IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3453 OF 2004

Raju Dhenu Rathod .. Applicant.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.C.L.Badge i/b Mr.Sushan Kunjuraman for the applicant.
Mr.K.V.Saste APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2ND SEPTEMBER, 2004

P.C.:

. Heard Mr.Badge, learned counsel for the applicant and Mr.Saste, learned A.P.P. for the respondent.

2. This application is filed by the applicant for being released on bail in C.R.No.227/2003 registered at Deonar police station mainly under section 302 of Indian Penal Code. The occurrence in the instant case took place on 26.10.2003 at 22.25 hours in which the present applicant and two others are alleged to have committed murder of deceased - Vishwas Patil by pouring kerosene and setting him ablaze. Mr.Badge, learned counsel for the applicant pressed this application on parity

with the co-accused. He submitted that there is absolutely no difference between the role allegedly played by the applicant and the co-accused, who have been released on bail by the Sessions Court. I have perused the order dated 8.6.2004 passed by the Sessions Court rejecting the application of the applicant for bail, statements of the witnesses and the statement of deceased - Vishwas Patil. A perusal of his statement shows that the allegations against the present applicant and the co-accused are not similar. Moreover, co-accused - Ananda Chavan being juvenile was released on bail. In so far as co-accused Jayram Chavan is concerned, he had also sustained serious injuries on his head in the alleged occurrence and became unconscious at the relevant time. The injury sufferred by Jayram Chavan was allegedly authored by the deceased. Keeping that in view it seems that Jayram Chavan was released on bail. In so far as the present applicant is concerned, he allegedly poured kerosene and set the deceased ablaze. It is further alleged that he had assaulted the deceased with iron rod on his head. The iron rod had been recovered at his instance. Keeping this in view and considering the overall facts and circumstances of the case, in my opinion, there exists sufficient

material on record to show his complicity in the offence of murder. This is not a fit case to enlarge him on bail. The application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)